

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

H. Cristina Chen-Oster, Shanna Orlich, Allison Gamba,
and Mary De Luis,

Plaintiffs,

-against-

Goldman Sachs & Co. LLC and The Goldman Sachs
Group, Inc.,

Defendants.

ANALISA TORRES, District Judge:

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10 Civ. 6950 (AT)

ORDER

Plaintiffs H. Cristina Chen-Oster, Shanna Orlich, Allison Gamba, and Mary De Luis, representing a class of female employees of Goldman Sachs & Co. LLC and The Goldman Sachs Group, Inc. (collectively, “Goldman Sachs” or “Defendants”), filed this class action alleging gender discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, and the New York City Human Rights Law, N.Y.C. Admin. Code § 8-101 *et seq.*¹

On May 15, 2023, the Court granted preliminary approval of the class action settlement reached by the parties and set a final approval hearing for October 3, 2023. *See* ECF No. 1446. The Court has reviewed Plaintiffs’ letter, dated August 24, 2023; Defendants’ letter, dated August 25, 2023, requesting adjournment of the final hearing to give notice (the “Supplemental Notice”) to forty-five individuals who were not included on the Settlement Class List (the “Supplemental Members”);² and Plaintiffs’ reply letter, dated August 25, 2023.³ Plaintiffs do not dispute that the Supplemental Members are indeed class members and should have been identified as such but for a ministerial coding error. Unfortunately, Defendants’ longstanding error will delay the execution of the Settlement Agreement. But adjournment to allow notice to

¹ The Court presumes familiarity with the facts and procedural history of this years-long litigation as set forth in the Court’s prior orders. *See, e.g.*, ECF No. 578 at 2–13; ECF No. 1337 at 2–5; ECF No. 1374 at 2–4.

² Capitalized terms not defined herein have the meaning ascribed to them in the Settlement Agreement.

³ These letters were sent directly to the Court.

the Supplemental Members is appropriate. *See, e.g., In re Citigroup Inc. Securities Litig.*, No. 07 Civ. 9901, ECF No. 183, at 2 (S.D.N.Y. Jan. 2, 2013).

Accordingly, the Court ORDERS as follows:

1. **Supplement to Preliminary Settlement Approval.** This Order supplements the Court's Preliminary Approval Order, ECF No. 1446, which remains in full force and effect to the extent not modified by this Order.

2. **Supplemental Notice Procedures.** The Settlement Administrator is directed to issue the Supplemental Notice in accordance with the Notice Procedures in the Settlement Agreement which applied to the original Notice, except as modified as follows:

- a. By **August 28, 2023**, Defendants shall provide to the Settlement Administrator a list (the "Supplemental Settlement Class List") identifying the Supplemental Members who shall receive the Supplemental Notice. The Supplemental Settlement Class List shall include the same information, and be provided to the Settlement Administrator in the same form, as required by Section VI.C.2 of the Settlement Agreement.
- b. By **September 5, 2023**, the Settlement Administrator shall mail and email the Supplemental Notice and a Settlement Share Estimate to each Supplemental Member's last known residential address and last known personal email address(es) on the Supplemental Settlement Class List ("Supplemental Notice Mailing Date").
- c. The Supplemental Notice shall be identical to the Notice, except that the deadline to opt-out or object to the Proposed Settlement shall be forty-five days after the Supplemental Notice Mailing Date, but no later than **October 20, 2023**.

- d. Deadlines in the Settlement Agreement or Preliminary Approval Order that are calculated by reference to the date the original Notice was first mailed shall be calculated by reference to the Supplemental Notice Mailing Date.
- e. Deadlines in the Settlement Agreement or Preliminary Approval Order that are calculated by reference to the Final Approval Hearing shall be calculated by reference to the date of the Final Approval Hearing set forth in Paragraph 6 of this Order.

3. **Exclusion from the Settlement Class.** Supplemental Members may request exclusion from the Settlement Class in accordance with the procedures set forth in Paragraph 7 of the Preliminary Approval Order.

4. **Objections and Appearances.** Supplemental Members who have not requested exclusion from the Settlement Class may object to any aspect of the proposed Settlement either on her/their own or through an attorney hired at her/their expense. Objection is to be in accordance with the procedures in Paragraph 8 of the Preliminary Approval Order.

5. **Supplemental Members.** Any reference to “Settlement Class Members,” or the “Settlement Class” in the Settlement Agreement, the Preliminary Approval Order, or any further order relating to the Proposed Settlement is deemed to include, for all purposes, the Supplemental Members. Any reference to “Participating Settlement Class Members” in the Settlement Agreement, the Preliminary Approval Order, or any further order relating to the Proposed Settlement is deemed to include, for all purposes, the Supplemental Members, except those who submit a timely and valid Opt-Out Statement requesting exclusion.

6. **Final Approval Hearing.** The final approval hearing, originally scheduled for October 3, 2023, at 1:00 p.m., is adjourned to **November 20, 2023, at 1:00 p.m.** The hearing will determine, *inter alia*, whether: (1) the Settlement should be approved as fair, reasonable and

adequate, and finally approved pursuant to Rule 23(e); (2) Judgment should be entered and this Litigation should be dismissed with prejudice pursuant to the terms of the Settlement Agreement; and (3) Class Counsel's application for an Attorneys' Fees award and/or Settlement Class Representatives' application for a Service Award should be approved. In accordance with Paragraph 10 of the Preliminary Approval Order, the Settlement Administrator shall post the revised date and time on the settlement website. Class Counsel shall file Plaintiffs' Motion for Final Approval by **October 31, 2023**. The Parties shall file any responses to objections by **November 13, 2023**. The Court may approve the Settlement Agreement without further notice to the Settlement Class Members.

7. **Distribution of Funds Following Approval**. Should the Court finally approve the Settlement Agreement, Defendants shall wire any outstanding portion of the Settlement Amount to the Escrow Account **within three (3) days** of the Final Approval Order. Within **fourteen (14) days** of the Final Approval Order, the Settlement Administrator shall mail checks to each Participating Settlement Class Member in the amount of her/their Settlement Share as determined by the Settlement Administrator based on the Plan of Allocation. Except with regard to the date for mailing checks, the Settlement Administrator shall follow the procedures for payment of settlement shares set forth in the Settlement Agreement.

8. The Settlement Administrator shall post on the settlement website a copy of this order and any further order of this Court setting the date and time of the Final Approval Hearing.

SO ORDERED.

Dated: August 26, 2023
New York, New York



ANALISA TORRES
United States District Judge